

ORDINANCE NO. 040617-Z-8

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 11200-11300 SOUTH IH-35 SERVICE ROAD SOUTHBOUND AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-MU-CO) COMBINING DISTRICT FOR TRACT ONE AND MULTIFAMILY RESIDENCE LOW DENSITY (MF-2) DISTRICT FOR TRACT TWO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in Zoning Case No.C14-04-0020, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From interim rural residence (I-RR) district to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district.

A 62.897 acre tract of land, more or less, out of the Santiago Del Valle Grant, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, and

Tract Two: From interim rural residence (I-RR) district to multifamily residence low density (MF-2) district.

A 61.276 acre tract of land, more or less, out of the Santiago Del Valle Grant, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, (the "Property")

locally known as 11200-11300 South IH-35 Service Road Southbound, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

PART 2. The Property identified as Tract One within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

The following uses are prohibited uses of Tract One:

Automotive rentals
Agricultural sales and services
Drop-off recycling collection facility
Campground
Equipment sales
Laundry services
Bail bond services
Outdoor entertainment
Residential treatment
Adult oriented businesses
Monument retail sales
Transitional housing
Commercial off-street parking

Automotive sales
Art and craft studio (general)
Pawn shop services
Indoor entertainment
Equipment repair services
Kennels
Exterminating services
Maintenance and service facilities
Vehicle storage
Commercial blood plasma center
Transportation terminal
Convenience storage
Urban farm

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on June 28, 2004.

PASSED AND APPROVED

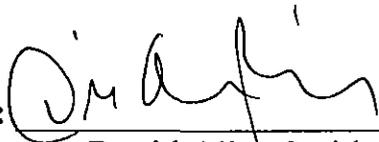
June 17, 2004

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§
§



Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

TRACT 1
C-MA

C14-04-0020

EXHIBIT A

FIELD NOTES TO ACCOMPANY MAP OF SURVEY
62.897 ACRES OF LAND
SANTIAGO DEL VALLE GRANT
TRAVIS COUNTY, TEXAS

FIELD NOTES DESCRIPTION OF 62.897 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 67.678 ACRE TRACT CONVEYED TO HAVILAND LAKE PARTNERS, LP BY DEED OF RECORD IN DOCUMENT NUMBER 2003211417 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. THE SAID 62.897 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½ inch diameter steel pin set with cap stamped Lenz & Assoc. on the west right-of-way line of Interstate Highway Number 35, the same being the west line of that certain 2.806 acre tract conveyed to the State of Texas by deed recorded in Volume 1634, Page 129 of the Deed Records of Travis County, Texas, at the southeast corner of the said 67.678 acre Haviland Lake Partners, LP tract, the same being the northeast corner of that certain 56.495 acre tract conveyed to Old San Antonio Road, LP by deed of record in Document Number 2003211419 of the Official Public Records of Travis County, Texas;

THENCE, N 17°32'21" E, a distance of 199.74 feet, along the west right-of-way line of Interstate Highway Number 35 and the said 2.806 acre State of Texas tract, to a point for the **PLACE OF BEGINNING** of the herein described tract;

THENCE, traversing the interior of the said 67.678 acre tract, the following five (5) courses and distances:

- 1) N 72°30'02" W, 333.22 feet to a point;
- 2) Along a curve to the left, having a central angle of 04°58'46", a radius of 1500.00 feet, an arc of 130.36 feet and a chord bearing and distance of N 74°59'25" W, 130.32 feet to a point;
- 3) N 77°28'49" W, 536.61 feet to a point;
- 4) Along a curve to the right, having a central angle of 08°56'23", a radius of 1500.00 feet, an arc of 234.04 feet and a chord bearing and distance of N 73°00'37" W, 233.81 feet to a point;
- 5) N 68°32'25" W, a distance of 722.47 feet to a point on the west line of the said 67.678 acre tract and east line of Old San Antonio Road, from which a ½ inch diameter steel pin set with cap stamped Lenz & Assoc. at the southwest corner of the said 67.678 acre tract bears S 25°51'43" W, 60.19 feet;

THENCE, along and with the west line of the said 67.678 acre tract and east line of Old San Antonio Road, the following five (5) courses and distances:

- 1) N 25°51'43" E, 54.70 feet to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc;
- 2) N 11°06'43" E, 195.29 feet to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc;

- 3) N 25°36'43" E, 253.80 feet to a ½ inch diameter steel pin found with aluminum cap;
- 4) N 27°26'35" E, 967.06 feet to a concrete right-of-way monument found;
- 5) N 70°23'54" E, 147.85 feet to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc. at the intersection with the curving south right-of-way line of F.M. Highway No. 1626, from which a concrete right-of-way monument found bears N 04°36'20" W, 4.27 feet and a ½ inch diameter steel pin found with aluminum cap bears S 24°05'00" W, 0.54 feet and a concrete right-of-way monument found at the west end of said curve bears a chord bearing and distance of N 70°34'01" W, 303.15 feet:

THENCE, along the south right-of-way of F.M. Highway No. 1626 and north line of the said 67.678 acre tract, with a curve to the right, having a central angle of 03°27'12", a radius of 1869.86 feet, an arc of 112.70 feet and a chord bearing and distance of S 64°11'26" E, 112.68 feet to a ½ inch diameter iron pipe found at the east end of the said curve;

THENCE, S 62°20'42" E, continuing along the south right-of-way line of F.M. Highway No. 1626 and north line of the said 67.678 acre tract, passing an iron pipe found at a distance of 1263.81 feet and continuing a total distance of 1564.06 feet to a concrete right-of-way monument found for angle point;

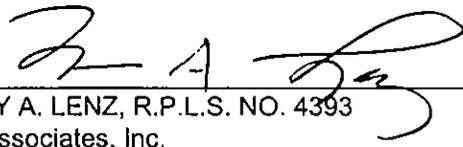
THENCE, S 22°36'58" E, a distance of 70.86 feet, continuing along the south right-of-way line of F.M. Highway No. 1626, the same being the north line of the said 67.678 acre tract to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc. at the intersection with the curving west right-of-way line of Interstate Highway No. 35, from which a concrete right-of-way monument found 0.93 feet east of the actual right-of-way line bears S 22°36'58" E, 1.44 feet;

THENCE, along and with the west right-of-way line of Interstate Highway No. 35, the same being the west line of the said 2.806 acre tract conveyed to the State of Texas in Volume 1634, Page 129 and east line of the said 67.678 acre tract, the following four (4) courses and distances:

- 1) With a curve to the right, having a central angle of 0°02'37", a radius of 11309.30 feet, an arc of 8.59 feet and a chord bearing and distance of S 17°35'49" W, 8.59 feet to a 5/8 inch diameter steel pin found, from which a concrete right-of-way monument found 0.83 feet east of the actual right-of-way line bears S 37°24'02" E, 1.01 feet;
- 2) S 17°33'47" W, passing a 5/8 inch diameter steel pin found at 431.94 feet and continuing a total distance of 832.00 feet to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc. for angle point, from which a concrete right-of-way monument found bears S 18°15'03" E, 0.58 feet;

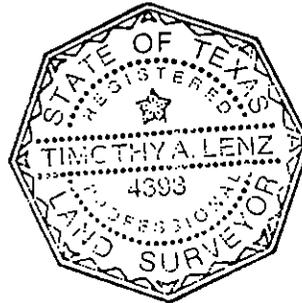
- 3) S 31°35'57" W, 205.62 feet to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc. for angle point, from which a concrete right-of-way monument found 0.91 feet east of the of the actual right-of-way line bears S 64°34'52" E, 0.92 feet and another concrete right-of-way monument found 0.91 feet east of the actual right-of-way line bears S 64°34'52" E, 0.92 feet and S 17°32'21" W, 4500.37 feet;
- 4) THENCE, S 17°32'21" W, 150.46 feet to the **PLACE OF BEGINNING**, containing 62.897 acres of land, more or less.

I HEREBY CERTIFY THAT THIS DESCRIPTION WAS PREPARED FROM AN ACTUAL SURVEY PERFORMED ON THE GROUND UNDER MY SUPERVISION.

 11-20-03

TIMOTHY A. LENZ, R.P.L.S. NO. 4393
Lenz & Associates, Inc.
1714 Fort View Road, Suite 101
Austin, Texas 78704
(512) 443-1174

2002-1078(62.897AcZoning).doc



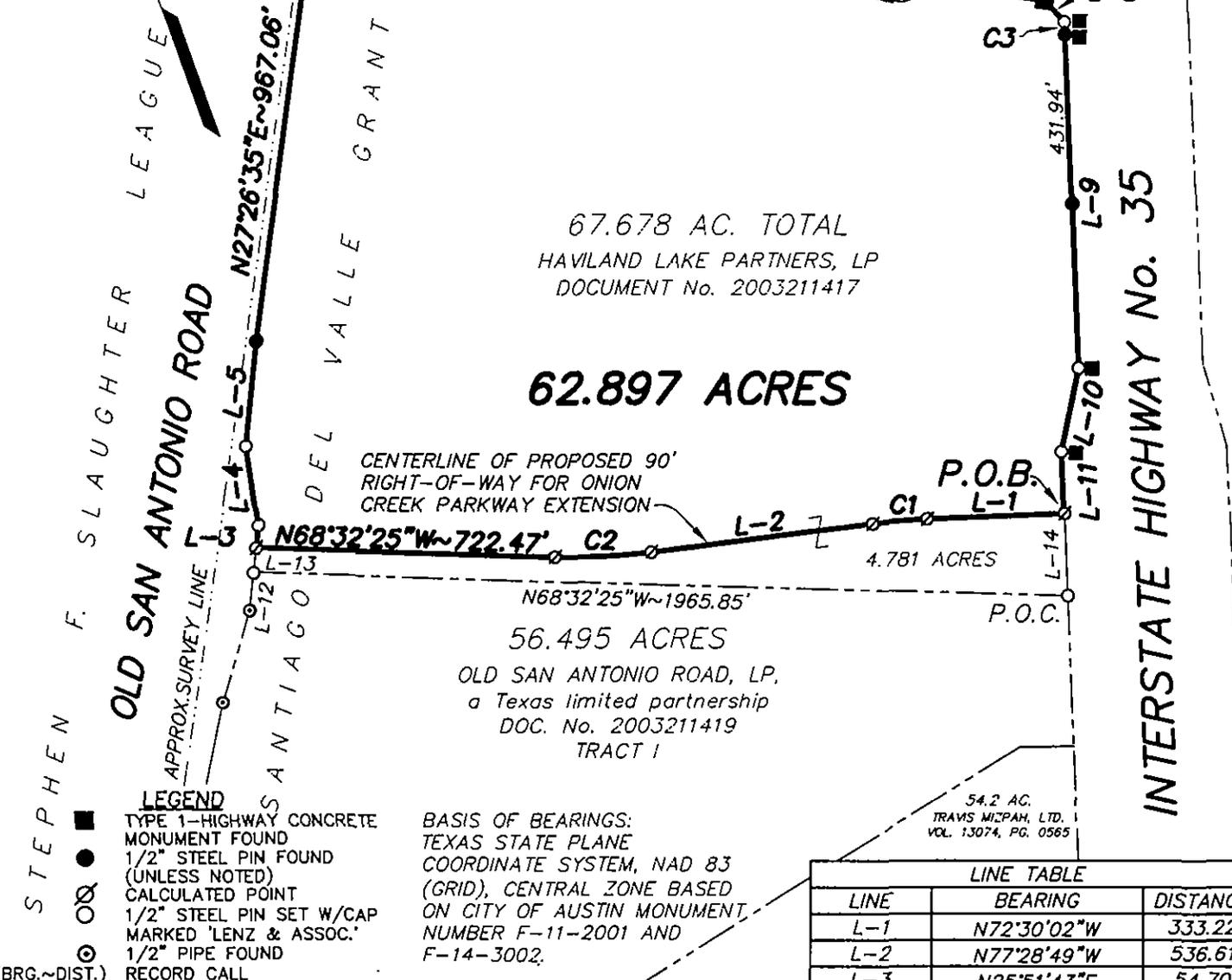
MAP TO ACCOMPANY FIELD NOTES

REMAINDER PORTION
130.714 AC.
THE RIDDELL FAMILY
LIMITED PARTNERSHIP,
A TEXAS LIMITED
PARTNERSHIP
VOL. 12246, PG. 0585

20.00 AC.
C.M. NEYLAND
VOL. 725, PG. 306

3.40 ACRES
OLD SAN ANTONIO
ROAD, LP,
a Texas limited
partnership
DOC. No.
2003211419
TRACT I

SCALE: 1" = 400'



67.678 AC. TOTAL
HAVILAND LAKE PARTNERS, LP
DOCUMENT No. 2003211417

62.897 ACRES

CENTERLINE OF PROPOSED 90'
RIGHT-OF-WAY FOR ONION
CREEK PARKWAY EXTENSION

56.495 ACRES
OLD SAN ANTONIO ROAD, LP,
a Texas limited partnership
DOC. No. 2003211419
TRACT I

4.781 ACRES

54.2 AC.
TRAVIS MIZPAH, LTD.
VOL. 13074, PG. 0585

LEGEND

- TYPE 1-HIGHWAY CONCRETE MONUMENT FOUND
- 1/2" STEEL PIN FOUND (UNLESS NOTED)
- CALCULATED POINT
- 1/2" STEEL PIN SET W/CAP MARKED 'LENZ & ASSOC.'
- 1/2" PIPE FOUND
- RECORD CALL

BASIS OF BEARINGS:
TEXAS STATE PLANE
COORDINATE SYSTEM, NAD 83
(GRID), CENTRAL ZONE BASED
ON CITY OF AUSTIN MONUMENT
NUMBER F-11-2001 AND
F-14-3002.

CURVE TABLE

CURVE	DELTA	RADIUS	TANGENT	ARC	CHORD	BEARING
C1	4°58'46"	1500.00	65.22	130.36	130.32	N74°59'25"W
C2	8°56'23"	1500.00	117.26	234.04	233.81	N73°00'37"W
C3	0°02'37"	11309.30	4.30	8.59	8.59	S17°35'49"W
C4	3°27'12"	1869.86	56.37	112.70	112.68	S64°11'26"E

LINE TABLE

LINE	BEARING	DISTANCE
L-1	N72°30'02"W	333.22
L-2	N77°28'49"W	536.61
L-3	N25°51'43"E	54.70
L-4	N11°06'43"E	195.29
L-5	N25°36'43"E	253.80
L-6	N70°23'54"E	147.85
L-7	S62°20'42"E	1564.06
L-8	S22°36'58"E	70.86
L-9	S17°33'47"W	832.00
L-10	S31°35'57"W	205.62
L-11	S17°32'21"W	150.46
L-12	S25°51'43"W	91.20
L-13	S25°51'43"W	60.19
L-14	N17°32'21"E	199.74

PREPARED BY:
LENZ & ASSOCIATES, INC.
1714 FORT VIEW ROAD, SUITE 101
AUSTIN, TEXAS 78704

014 04 0090

"TRACT 2"
MF-2

EXHIBIT B

FIELD NOTES TO ACCOMPANY MAP OF SURVEY
61.276 ACRES OF LAND
SANTIAGO DEL VALLE GRANT
TRAVIS COUNTY, TEXAS

FIELD NOTES DESCRIPTION OF 61.276 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN 56.495 ACRE TRACT CONVEYED TO OLD SAN ANTONIO ROAD, LP BY DEED OF RECORD IN DOCUMENT NUMBER 2003211419 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND A 4.781 ACRE PORTION OF THAT CERTAIN 62.897 ACRE TRACT CONVEYED TO HAVILAND LAKE PARTNERS, LP OF RECORD IN DOCUMENT NUMBER 2003211417 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. THE SAID 61.276 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch diameter steel pin set with cap stamped Lenz & Assoc. on the west right-of-way line of Interstate Highway Number 35, the same being the west line of that certain 2.806 acre tract conveyed to the State of Texas by deed recorded in Volume 1634, Page 129 of the Deed Records of Travis County, Texas, at the northeast corner of the said 56.495 acre Old San Antonio Road, LP tract, the same being the southeast corner of the said 67.678 acre Haviland Lake Partners, LP tract;

THENCE, S 17°32'21" W, along the west line of the said 2.806 acre tract and west right-of-way line of Interstate Highway Number 35, passing a 5/8 inch diameter steel pin found at 50.07 feet, passing a ½ inch diameter steel pin set with cap stamped Lenz & Assoc. at a distance of 260.79 feet and continuing a **total distance of 368.19 feet** to a point in the centerline of Onion Creek at the southwest corner of the said 2.806 acre tract and southeast corner of the said 56.495 acre tract;

THENCE, along the south line(s) of the said 56.495 acre tract, with the general location of the centerline of Onion Creek, the following eight (8) courses and distances:

- 1) N 71°05'38" W, 130.49 feet to a point;
- 2) S 77°33'59" W, passing a concrete dam at 664.70 feet and continuing a total distance of 779.92 feet to a point;
- 3) S 73°40'43" W, 730.89 feet to a point;
- 4) S 67°02'43" W, 316.58 feet to a point;
- 5) S 60°47'43" W, 308.24 feet to a point;
- 6) S 45°27'43" W, 263.81 feet to a point;
- 7) S 49°47'43" W, 363.78 feet to a point;

- 8) S 66°45'43" W, 116.33 feet to a point at the southerly most or southwest corner of the said 56.495 acre tract, the same being the southeast corner of Lot 1, Golden Lake Estates, a subdivision of record in Book 71, Page 01 of the Plat Records of Travis County, Texas;

THENCE, N 05°26'52" E, along the west line of the said 56.495 acre tract, the same being the east line of the said Lot 1, Golden Lake Estates, passing a ½ inch diameter steel pin set with cap stamped Lenz & Assoc. at 48.28 feet and continuing a total distance of 543.45 feet to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc. at the southerly most corner of that certain 0.14 acre Save and Except portion of a 10.62 acre tract described in a Deed of Trust recorded in Volume 7828, Page 665, from which a ½ inch diameter iron pipe found at the northwest corner of the said 10.62 acre tract and 0.14 acre Save and Except portion bears N 05°26'52" E, 170.02 feet;

THENCE, N 27°48'29" E, along the west line of the said 56.495 acre tract, a distance of 192.76 feet, crossing the said 10.62 acres to a ½ inch diameter iron pipe found at the northeast corner of the said 0.14 acre Save and Except portion of the 10.62 acre tract, the same being the southerly most corner of that certain 0.04 acre Save and Except tract as described in Volume 7828, Page 665;

THENCE, N 27°48'29" E, a distance of 265.07 feet, along the west line of the said 56.495 acre tract and east line of the said 0.04 acre Save and Except tract to a ½ inch diameter steel pin set with cap stamped Lenz & Assoc. on the east line of Old San Antonio Road, at the northerly most corner of the said 0.04 acre Save and Except tract, from which a ½ inch diameter iron pipe found bears S 32°31'33" W, 121.66 feet;

THENCE, along and with the east line of Old San Antonio Road, the same being the west line(s) of the said 56.495 acre tract and 62.897 acre tract, the following four (4) courses and distance:

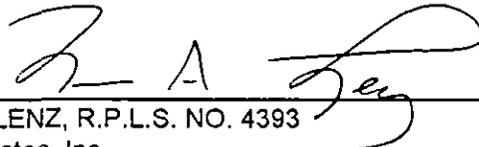
- 1) N 32°31'33" E, 165.07 feet to a ½ inch diameter iron pipe found;
- 2) N 30°57'34" E, 913.72 feet to a ½ inch diameter iron pipe found;
- 3) N 35°51'31" E, 234.67 feet to a ½ inch diameter iron pipe found;
- 4) N 25°51'43" E, passing a ½ inch diameter steel pin set with cap stamped Lenz & Assoc. at the northwest corner of the said 56.495 acre tract and southwest corner of the said 67.678 acre Haviland Lake Partners, LP tract at 91.20 feet and continuing a **total distance of 151.39 feet** to a point, from which a ½ inch diameter steel pin set with cap stamped Lenz & Assoc. bears N 25°51'43" E, 54.70 feet;

THENCE, traversing the interior of the said 67.678 acre tract, the following five (5) courses and distances:

- 1) S 68°32'25" E, 722.47 feet to a point;
- 2) Along a curve to the left, having a central angle of 8°56'23", a radius of 1500.00 feet, an arc of 234.04 feet and a chord bearing and distance of S 73°00'37" E, 233.81 feet to a point;
- 3) S 77°28'49" E, 536.61 feet to a point;
- 4) Along a curve to the right, having a central angle of 04°58'46", a radius of 1500.00 feet, an arc of 130.36 feet and a chord bearing and distance of S 74°59'25" E, 130.32 feet to a point;
- 5) S 72°30'02" E, 333.22 feet to a point on the east line of the said 67.678 acre tract and west right-of-way line of Interstate Highway Number 35 and the said 2.806 acre tract;

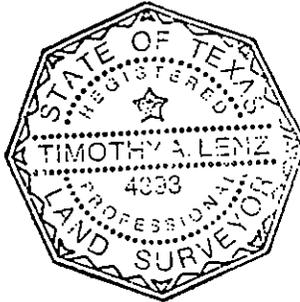
THENCE, S 17°32'21" W, a distance of 199.74 feet to the **PLACE OF BEGINNING**, containing 61.276 acres of land, more or less.

I HEREBY CERTIFY THAT THIS DESCRIPTION WAS PREPARED FROM AN ACTUAL SURVEY PERFORMED ON THE GROUND UNDER MY SUPERVISION.

 3-16-04

TIMOTHY A. LENZ, R.P.L.S. NO. 4393
Lenz & Associates, Inc.
1714 Fort View Road, Suite 101
Austin, Texas 78704
(512) 443-1174

2002-1078(61.276AcZoning).doc

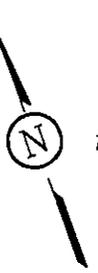


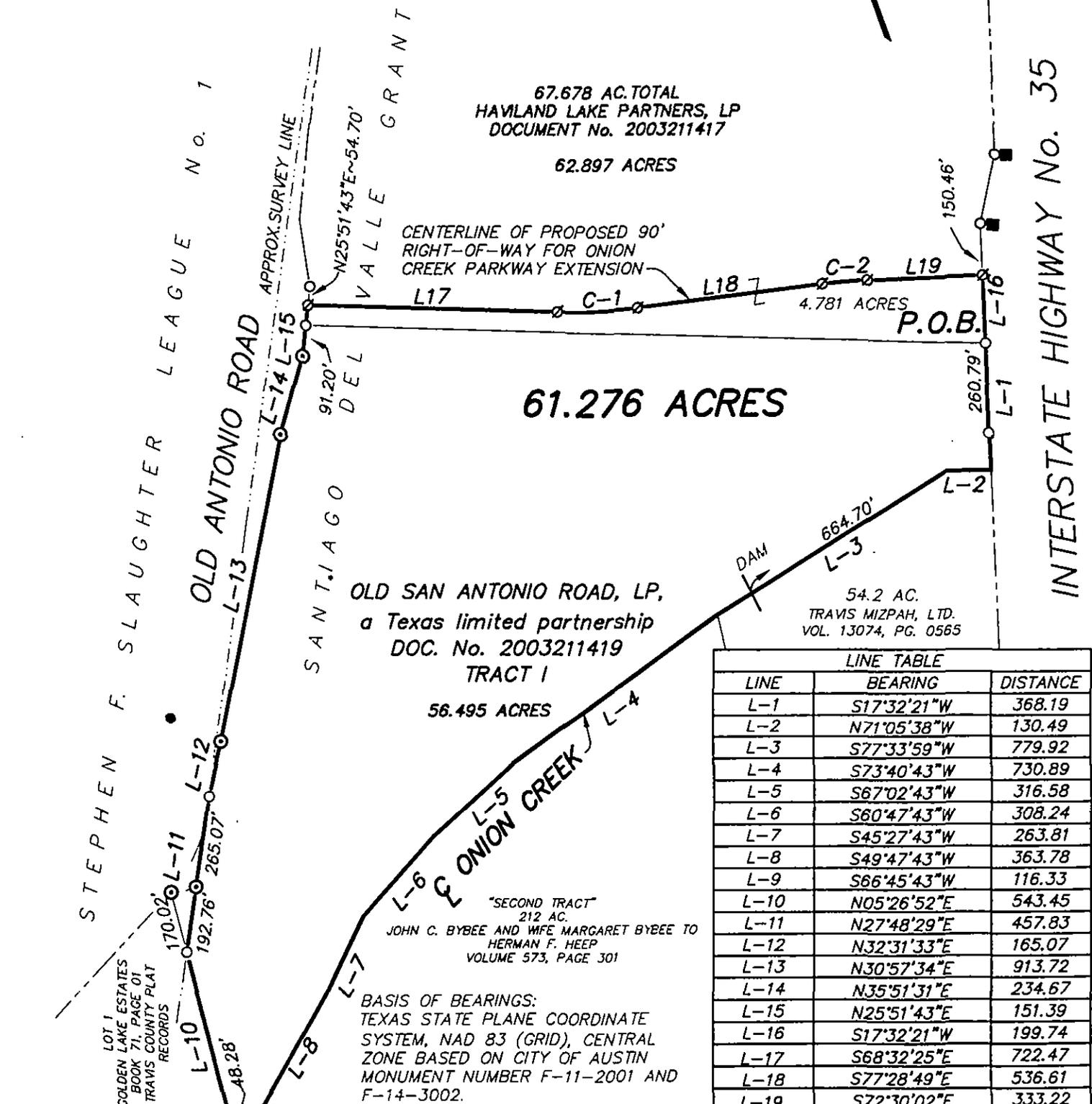
LEGEND

- TYPE 1-HIGHWAY CONCRETE MONUMENT FOUND
- 1/2" STEEL PIN FOUND (UNLESS NOTED)
- CALCULATED POINT
- ⊗ 1/2" STEEL PIN SET W/CAP MARKED 'LENZ & ASSOC.'
- ⊙ 1/2" PIPE FOUND
- (BRG.~DIST.) RECORD CALL

MAP TO ACCOMPANY FIELD NOTES

F.M. 1626

SCALE:  1"=400'



67.678 AC. TOTAL
HAVLAND LAKE PARTNERS, LP
DOCUMENT No. 2003211417

62.897 ACRES

CENTERLINE OF PROPOSED 90'
RIGHT-OF-WAY FOR UNION
CREEK PARKWAY EXTENSION

61.276 ACRES

OLD SAN ANTONIO ROAD, LP,
a Texas limited partnership
DOC. No. 2003211419
TRACT I

56.495 ACRES

54.2 AC.
TRAVIS MIZPAH, LTD.
VOL. 13074, PG. 0565

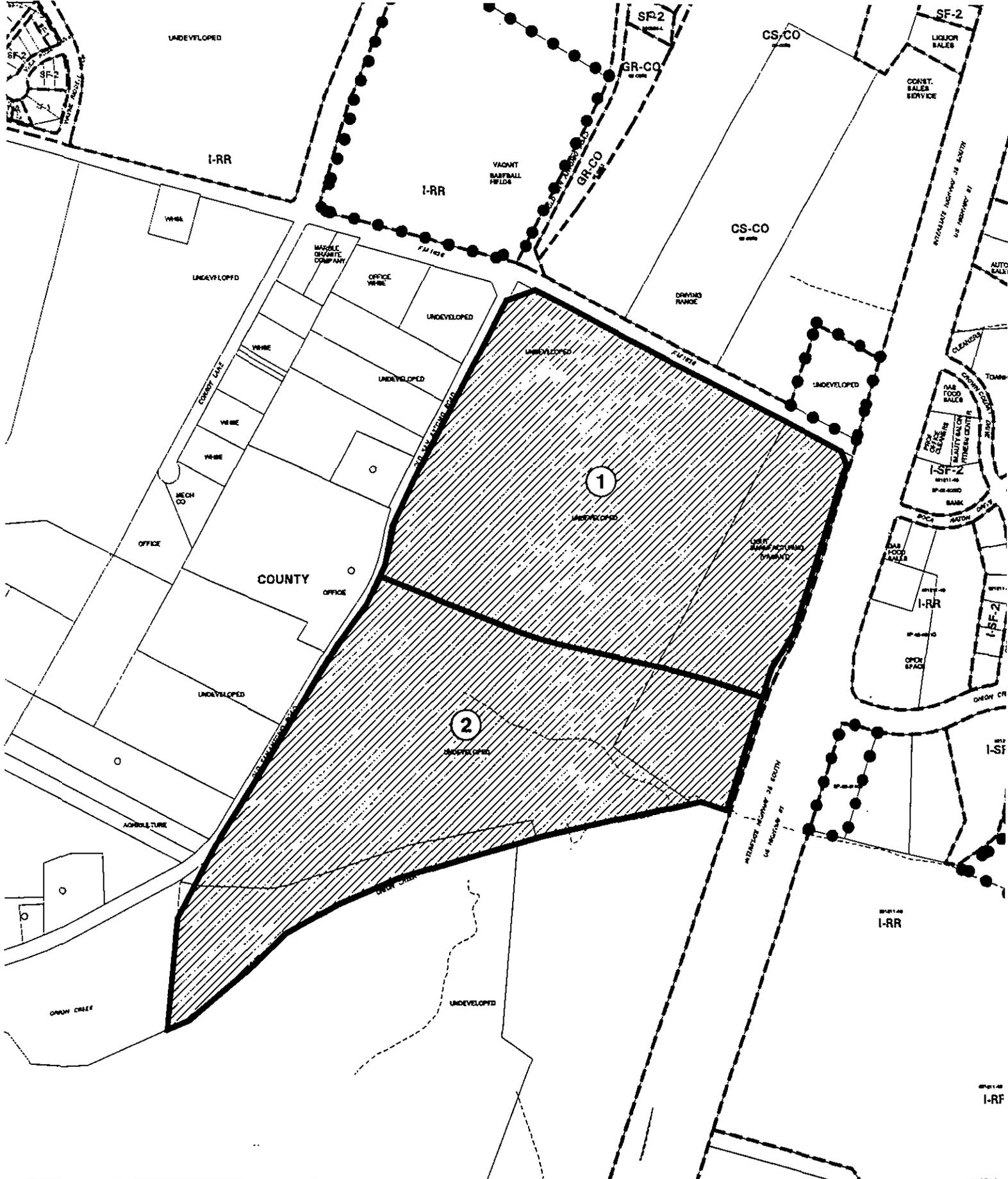
"SECOND TRACT"
212 AC.
JOHN C. BYBEE AND WIFE MARGARET BYBEE TO
HERMAN F. HEEP
VOLUME 573, PAGE 301

BASIS OF BEARINGS:
TEXAS STATE PLANE COORDINATE
SYSTEM, NAD 83 (GRID), CENTRAL
ZONE BASED ON CITY OF AUSTIN
MONUMENT NUMBER F-11-2001 AND
F-14-3002.

LINE TABLE		
LINE	BEARING	DISTANCE
L-1	S17°32'21"W	368.19
L-2	N71°05'38"W	130.49
L-3	S77°33'59"W	779.92
L-4	S73°40'43"W	730.89
L-5	S67°02'43"W	316.58
L-6	S60°47'43"W	308.24
L-7	S45°27'43"W	263.81
L-8	S49°47'43"W	363.78
L-9	S66°45'43"W	116.33
L-10	N05°26'52"E	543.45
L-11	N27°48'29"E	457.83
L-12	N32°31'33"E	165.07
L-13	N30°57'34"E	913.72
L-14	N35°51'31"E	234.67
L-15	N25°51'43"E	151.39
L-16	S17°32'21"W	199.74
L-17	S68°32'25"E	722.47
L-18	S77°28'49"E	536.61
L-19	S72°30'02"E	333.22

CURVE TABLE						
CURVE	DELTA	RADIUS	TANGENT	ARC	CHORD	BEARING
C1	8°56'23"	1500.00	117.26	234.04	233.81	S73°00'37"E
C2	4°58'46"	1500.00	65.22	130.36	130.32	S74°59'25"E

PREPARED BY:
LENZ & ASSOCIATES, INC.
1714 FORT VIEW ROAD, SUITE 101
AUSTIN, TEXAS 78704



 1" = 600'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W. WALSH	  	ZONING EXHIBIT C CASE #: C14-04-0020 ADDRESS: 11200-11300 S I 35 SVR SUBJECT AREA (acres): 124.173	DATE: 04-04 INTLS: SM	CITY GRID REFERENCE NUMBER F11